THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO. 22803 of 1996

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Dated:28.09.2005

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Srinivasanagar (Timber Market), Industrial

Area Welfare Association, represented by its

Hony.Secretary Sri S.U.Pratap

..... PETITIONER

AND

The District Collector, Khammam town,

Khammam District, and others.

....RESPONDENTS

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O R D E R:

Feeling aggrieved by the Commissioner, Khammam Municipality (4th respondent) not initiating action against the encroachers who are causing hindrance to the ingress and egress of the petitioner and also the Government intending to grant pattas to the encroachers of the road margin, petitioner filed this writ petition.

2) In the counter filed on behalf of the respondents 1 to 3, it is stated that though the Government contemplated to issue pattas to the landless poor earlier it had dropped that proposal since that area as per the lay out has to used for laying roads and road margins.

3) No Counter affidavit is filed on behalf of fourth respondent.

4) The fact that the shops of the members of the petitioner's association are located in the Municipality is not disputes Municipality has a duty to see that roads and road margins are not encroached by the third parties causing hindrance to the ingress and egress of the owners of the properties adjacent to the road, as they have a right a ingress and egress from every point of contact of the road with their property.

5) Therefore, with a direction to the 4th respondent to remove the encroachments on the road margin near the premises of the petitioner's association, rule nisi is made absolute and the writ petition is allowed with costs against 4th respondent.

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Justice C.Y.SOMAYAJULU

28th September 2005

BCS